

REMARKS

Upon entry of the present amendment, claim 2 will have been canceled, several claims will have been amended and claims 20-23 will have been submitted for consideration by the Examiner.

In view of the herein contained amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections together with an indication of the allowability of all the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

Initially, Applicant wishes to thank the Examiner for acknowledging his claim for foreign priority and for confirming that the certified copy of the foreign priority document has been received. Additionally, Applicant also thanks the Examiner for accepting the drawings submitted with the present application.

In the outstanding Official Action, the Examiner indicated claims 7, 8, 10 and 11 as objected to for being dependent upon a rejected base claim. The Examiner indicated that these claims would be allowable if rewritten into independent form including all the limitations of the base claim and any intervening claims. By the present Response, Applicant has rewritten claims 7, 8, 10 and 11 into independent form as claims 20-23. Accordingly, these claims should now be allowable, at least in accordance with the Examiner's indication.

P20762.A02

In the outstanding Official Action, the Examiner rejected claims 1-4 and 12-18 under 35 U.S.C. § 102(b) as being anticipated by IIZUKA (U.S. Patent No. 5,587,825). Applicant respectfully traverses the above rejection and submits that it is inappropriate. Applicant notes that the claims of the present application are directed to a laser imaging apparatus including, inter alia, a light source unit that emits first and second beams, the first beam configured to form an image on a surface to be scanned and the second beam being configured to align the modulating optical system by adjusting a positional relationship of the first beam with respect to the optical axis of the modulating optical system. It is respectfully submitted that the combination of features recited in Applicant's claim 1 is not taught, disclosed nor rendered obvious by the reference cited by the Examiner.

In setting forth the rejection, the Examiner admits that IIZUKA discloses a scanning optical system which emits first and second beams and that the second beam is a "monitoring light beam". In particular, and as explicitly disclosed by IIZUKA in the paragraph bridging columns 2 and 3, the modulating beam is utilized to produce a sinusoidal output that is shaped into a rectangular wave which is supplied to the control unit and used for the timed control of the acousto-optic modulator 12.

This is rather remote from the recited second beam of Applicant's claims. As noted above, the second beam of Applicant's claim 1 is configured to align the modulating optical system by adjusting a positional relationship of the first beam with respect to the optical axis

P20762.A02

of the modulating optical system. Accordingly, IIZUKA clearly does not provide a basis for the rejection of Applicant's claim 1, whether considered under 35 U.S.C. § 102 or even under 35 U.S.C. § 103.

Reconsideration and withdrawal of the rejection of claims 1-4 and 12-18 is thus requested.

In the outstanding Official Action, the Examiner further rejected claims 1-6 under 35 U.S.C. § 103(a) as being unpatentable over NOGUCHI (U.S. Patent No. 4,806,753). Applicant also respectfully traverses this rejection and submits that the disclosure of NOGUCHI does not render unpatentable the combination of features recited at least in Applicant's claim 1.

In this regard, Applicant notes that NOGUCHI is related to a second beam that is utilized "to generate a synchronizing signal so that scanning distortions or irregularities in the main scanning direction can be corrected" (column 1, lines 27-29). Accordingly, it is apparent that NOGUCHI also does not disclose at least, a second beam configured to align the modulating optical system by adjusting a positional relationship of the first beam with respect to the optical axis of the modulating optical system as recited in the combination of Applicant's claim 1.

Applicant notes the Examiner's assertion, in the rejection of claims 1-6 as unpatentable over NOGUCHI, that the second light beam of NOGUCHI is used for

P20762.A02

alignment. Applicant respectfully traverses and submits that the Examiner is incorrect. As noted above, the second light beam generates a signal that is used to eliminate distortions or irregularities in the main scanning direction. This does not constitute an alignment of any type and certainly not alignment as recited in Applicant's claim 1. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection of claims 1-6 under 35 U.S.C. § 103 as unpatentable over NOGUCHI.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of each of the outstanding rejections together with an indication of the allowability of all the claims in the present application.

As noted above, Applicant has rewritten claims 7, 8, 10 and 11 into independent form. Further, Applicant does not disagree with the Examiner regarding the allowability of the subject matter of these claims and has reviewed the Examiner's Statement of Reasons for Indication of Allowable Subject Matter. However, while Applicant does not disagree with the particular individual features noted by the Examiner in the Statement of Reasons for the Indication of Allowable Subject Matter, Applicant further wishes to point out that each of the claims in the present application recites a combination of features and that the patentability of each claim in the present application is also based on the totality of the particular features recited therein. Accordingly, the reasons for indication of allowable subject matter should not be limited to those set forth by the Examiner.

SUMMARY AND CONCLUSION

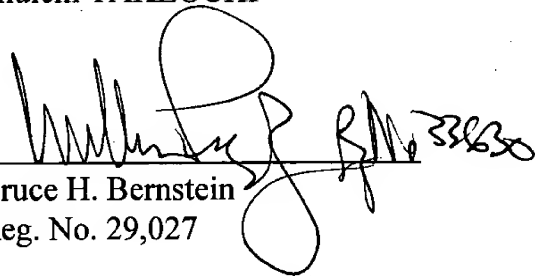
Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicant has included the features of claim 2 into claim 1 and has rewritten several objected to claims into independent form. Applicant has discussed the disclosures of the references and has pointed out the shortcomings thereof with respect to Applicant's invention. Applicant has further discussed the explicitly recited features of Applicant's invention and has pointed out how the references fail to disclose or render obvious such features in the claimed combinations. Accordingly, Applicant has provided a clear evidentiary basis supporting the patentability of all the claims in the present application and respectfully requests an indication to such effect in due course.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

P20762.A02

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Shuichi TAKEUCHI



Bruce H. Bernstein
Reg. No. 29,027

February 4, 2004
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191